

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, June 1, 2015, AT 6:30 p.m. IN THE Second Floor Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code

BY ORDER OF THE MAYOR

BY Paige Rice

SECOND FLOOR CONFERENCE ROOM – June 1, 2015

Council met in special session on this date with the following members present: Ms. Smith, Ms. Galvin, Mr. Huja, Ms. Szakos, Mr. Fenwick.

On motion by Ms. Szakos, seconded by Ms. Smith, Council voted, (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None), to meet in closed session for (1) The annual performance evaluation of the City Manager, and consideration of prospective candidates for appointment to City boards and commissions, as authorized by Va. Code sec. 2.2-3711 (A) (1); and, (2) Legal advice regarding acquisition of permanent easements for City utilities in Steephill Street, as authorized by Va. Code sec. 2.2-3711 (A) (7).

On motion by Ms. Szakos, seconded by Ms. Smith, Council certified by the following vote (Ayes: Ms. Galvin, Mr. Fenwick, Ms. Smith, Ms. Szakos, Mr. Huja; Noes: None), that to the best of each Council Member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion convening the closed session were heard, discussed or considered in the closed session.

COUNCIL CHAMBERS - June 1, 2015

CALL TO ORDER

Council met in regular session on this date with the following members present: Mr. Huja, Ms. Smith, Mr. Fenwick, Ms. Galvin, Ms. Szakos.

AWARDS/RECOGNITIONS & ANNOUNCEMENTS

Ms. Galvin announced "Comedy with Brett Leake" at the Carver Recreation Center on Saturday, June 6. For more information, call 970-3053 or go to charlottesville.org/parksandrec.

Ms. Szakos announced the Democratic Primary is on Tuesday, June 9. All polls will be open from 6:00 a.m. - 7:00 p.m. Contact the Voter Registrar at vote@charlottesville.org, or call 970-3250 for more information.

Mr. Fenwick announced the tax deadline is Friday, June 5 for first half real estate and personal property tax. Call the Treasurer's Office at 970-3146 before the due date if you have not received your bill.

Ms. Smith announced National Trails Day stream clean-up and trail building project this Saturday, June 6 from 9:00 a.m. - noon at Pollack's Branch. Clean-ups are also taking place at Meadowcreek and Rivanna. Call Chris Gensic for more information, or email gensic@charlottesville.org. She also announced a walkable watershed project next Monday from 6-8pm at the Portico Church in the Ix Building. She acknowledged the passing of Mr. Jamika Canata, born James Fisher, who was an active member in the Charlottesville community. A memorial service will be held Saturday, June 13 at 11:00 a.m. at Washington Park; for more information, call Alex Zan at 804-321-3636.

Ms. Szakos announced the next Our Town meeting will take place on Thursday, June 11 for the Greenbrier, Meadows, Meadowbrook Heights, and Rugby neighborhoods at Charlottesville High School.

MATTERS BY THE PUBLIC

Mr. Scott Peyton, 900 W. Main, a lifelong native of Charlottesville and Albemarle County, said West Main Street has drawn his interest in recent years. His father owned and operated a car dealership on West Main for over 40 years. He said the view shed of Monticello is now forever lost due to The Flats. The fault lies with Council for approving these projects and not with a flawed review process. He asked Council to take steps now to make sure this does not continue. He asked Council to cease consideration for further SUPs with variance requests for maximum height for the remaining parcels on West Main.

Mr. Downing Smith, 810 Locust Ave., gave a history of Locust Ave., and asked Council to keep the speeding ordinance in place as is.

Ms. Craig Reynolds, 857 Locust Ave., said they welcome the City's ideas to control speed in addition to the speed zone. She said the neighbors do not understand why the reexamination is just for Locust Ave. and does not apply City-wide to other locations with enhanced speeding fines. She asked Council to pass the ordinance in its original form.

Mr. Alex Hancock, 2712 Eaton Rd., said he submitted an online request for drainage help in 2003 and 2004 and never got a response from the City. He said Eaton Rd. is a dead end street with a failed retaining road at the end of it and has no stormwater structure or fire hydrant access. He said there is nowhere for emergency vehicles and other trucks to turn around, so they use his driveway. He said transient lodging facilities should not be allowed at all within the City's residential district. They should not be allowed without the owners' presence, and all in current violation should be denied licenses in the future. He said doors have been locked to City Hall during public meetings, and he has not been able to reenter some meetings. He asked why the City's parking is being taken up during Pavilion events.

Mr. Bruce O'dell, 878 Locust Ave., said it is a mistake to assume that you have a choice between traffic calming measures and creating a speed zone on Locust Ave. They are separate issues, and they reinforce each other. He asked Council for a clean ordinance as was proposed in the first reading. He said there have been a lot of studies on appropriateness for increased fines, and they tell us there is generally a reduction in speeds and an increased number of citations.

Mr. Louis Shultz, 1809 E. Market St., said this is the 40th time he has come to Council accusing staff of taking his property on Steephill Street and violating City code and civil rights statutes.

Mr. Raymond Mason, 717 Cynthiana Ave., asked for a solution to the high cost of swimming at Washington Pool. The price used to be \$29 for a season pass, and kids used to be able to pay \$1 a day until they paid the price of a pass. He said many Black children cannot afford to swim there.

Mr. Brandon Collins, 418 Fairway Ave., said his daughter graduated from Charlottesville High School this past weekend, and he is very proud. He said Charlottesville has a troubled past, including the razing of Vinegar Hill, and there are amends that need to be made to the Black community here in Charlottesville.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

Ms. Smith said she appreciated Mr. Peyton's reminder of the historic character of West Main, and we need to make sure we maintain and honor the history. She requested pulling the Locust Ave. item from the consent agenda for discussion. She had a conversation with Mr. Daly about the pools, and this issue needs to be addressed. We need to assure that our children can learn to swim by giving them access to the pools.

Ms. Szakos said she supported pulling the Locust item from consent. She said Council did approve The Flats, and they tried to make the building more responsive to the space than it would have been if built by-right. Council and staff are working on improving the process. Ms. Szakos asked for a phone number to be posted on doors during public meetings so people can call if they cannot get in. She said we need to figure out a way kids can get to the pool without having to pay for the season pass up front. We need to devise a payment plan, and we are working to resolve this issue. She urged Mr. Mason to stay engaged in the conversation.

Ms. Galvin said Mr. Peyton made an eloquent case for expediting the zoning changes on West Main Street. She said we should be able to figure out a sliding scale arrangement for people to be able to use the pool based on their income level. She said she is looking forward to PHAR's vision for public housing and hearing from staff about what the next steps will be.

Mr. Fenwick said Mr. Peyton's comments are timely. He said he supports kids being able to get into City pools for \$1 a day.

Mr. Huja asked staff to follow up on a solution to the Washington Pool fees in the next 30 days.

CONSENT AGENDA

Item g regarding Locust Ave. was pulled for discussion.

Ms. Szakos clarified that the Domestic Violence Coordinator is not a new position and is a grant-funded position.

On motion by Ms. Szakos, seconded by Ms. Galvin, the consent agenda passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None)

On motion by Ms. Smith, seconded by Ms. Szakos, the following appointments were made to Boards and Commissions: to the CACVB, Kirby Hutto and Yolunda Harold; to the PWN, Christie Phillips and Casey Carwile. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None)

- a. **Minutes for May 18**
- b. **APPROPRIATION: Virginia Homelessness Solutions Grant (VHSP) - \$69,368.95 (2nd reading)**

Virginia Homelessness Solutions Grant

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received additional funding for the Virginia Homelessness Solutions Grant from the Virginia Department of Housing and Community Development in the amount of \$69,368.95;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$69,368.95 is hereby appropriated in the following manner:

Revenues

\$58,269.92 Fund: 209 IO: 1900231 G/L: 430110 State Grants

\$11,099.03 Fund: 209 IO: 1900231 G/L: 430120 State (Federal Pass-Thru)

Expenditures

\$69,368.95 Fund: 209 IO: 1900231 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$69,368.95 in additional funds from the Virginia Department of Housing and Community Development.

- c. **APPROPRIATION: Domestic Violence Services Coordinator Grant - \$44,876 (carried)**

Domestic Violence Services Coordinator Grant

d. RESOLUTION: Funds Transfer to the Market Street Parking Garage Building Envelope Restoration Project Account - \$70,000

Funds Transfer to the Market Street Parking Garage Building Envelope Restoration Project

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

Transfer From

\$70,000 Fund: 107 WBS: FR-001/P-00808 G/L Account: 561426

Transfer To

\$70,000 Fund: 426 WBS: CP-015/P-00826-04 G/L Account: 599999

\$70,000 Fund: 426 WBS: CP-015/P-00826-04 G/L Account: 498010

e. RESOLUTION: Fund Transfer to the Facilities Capital Projects Lump Sum Account for the Public Service Office Renovation Project - \$65,000

Public Service Office Renovation Project

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby transferred in the following manner:

WHEREAS, the City of Charlottesville will commence office renovation work in the amount of \$65,000.

Transfer From - \$65,000

\$40,000 Fund: 105 Cost Center: 2431001000 G/L Account: 561426

\$5,000 Fund: 105 Cost Center: 2443001000 G/L Account: 561426

\$7,500 Fund: 105 Cost Center: 2461001000 G/L Account: 561426

\$7,500 Fund: 105 Cost Center: 2461002000 G/L Account: 561426

\$5,000 Fund: 105 Cost Center: 2481001000 G/L Account: 561426

Transfer To - \$65,000

\$65,000 Fund: 426 WBS: CP-015/P-00826 G/L Account: 599999

\$65,000 Fund: 426 WBS: CP-015/P-00826 G/L Account: 498010

f. ORDINANCE: Meals Tax Exemptions for Non-Profits (2nd reading)

Meals Tax Exemptions for Non-Profits

AN ORDINANCE AMENDING AND REORDAINING SECTION 30-284 OF ARTICLE X OF CHAPTER 30 (TAXATION) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING TO EXEMPTIONS FROM MEALS TAX

g. ORDINANCE: Enhanced Penalties for Speeding on Locust Avenue from Hazel Street to the 250 Bypass (2nd reading) pulled for discussion

Enhanced Penalties for Speeding on Locust Avenue

h. ORDINANCE: Sidewalk Waiver Provision (VA Code update) (carried)

Sidewalk Waiver Provision

i. ORDINANCE: Affordable Dwelling Unit Revised Definition (carried)

Affordable Dwelling Unit Revised Definition

PUBLIC HEARING / RESOLUTION: AUTHORIZATION OF LEASE AGREEMENT FOR 608 RIDGE STREET

Authorization of Lease Agreement for 608 Ridge Street

Ms. McHugh reviewed the report. She gave a history of the space at 608 Ridge St. LEAP has asked for an 18 month lease. Staff is most comfortable with a one year lease with an option to renew. Ms. Szakos asked if staff expects the development at 610 Ridge Street will be completed within 12 months. Ms. McHugh said it will be close.

On motion, the public hearing was opened. Having no speakers, the public hearing was closed.

Ms. Szakos said she supports continuing the lease. She asked why staff would not give LEAP an 18 month lease, especially since it is unlikely the house next door will sell, and there are unforeseen circumstances that could be issues. Ms. McHugh said staff is trying to make the lease terms for 608 and 610 coincide with one another. Ms. Szakos asked if this would affect LEAP's operations. Ms. McHugh said it will not, to staff's knowledge.

Ms. Smith said LEAP is an essential partner in our Georgetown Energy Program, and she said an 18-month lease makes more sense because January would be a better time to take possession of the house and prepare it for market.

Mr. Huja said he supports a one year lease with an option to renew for one year. Ms. Galvin said she agrees with Mr. Huja because it keeps the records clear and keeps the schedule predictable. She asked for a report on the status of 610 Ridge St. within the next four to five months. Ms. Szakos said she is satisfied with a 12-month lease.

On motion by Ms. Galvin, seconded by Ms. Smith, the resolution passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

REPORT: UTILITY RATES

Utility Rates

Ms. Sharon O'Hare, Assistant Finance Director, presented to Council and reviewed the recommended utility rates for FY 2016.

Ms. Smith asked if there is a set number of affordable units within the multi-family units. Ms. O'Hare said the project needs to qualify as low-income housing when it starts. The project would then file paperwork with NDS upon completion, and rates would be pro-rated according to the number of units at market rate.

Ms. Szakos confirmed the fee to reinstate services was increasing to \$90 for weekends and holidays. She confirmed that there is a moratorium on cut-offs during winter months and that the regular next-day fee remains at \$30.

Mr. Huja called for a vote on the fees ordinance; the ordinance passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CHARLOTTEVILLE CITY CODE, 1990, AS AMENDED, RELATING TO CHANGES IN MISCELLANEOUS UTILITY FEES.

Mr. Huja called for a vote on the service fees; the ordinance passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE OF THE CITY OF CHARLOTTEVILLE, 1990, AS AMENDED, TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES FOR CITY GAS, WATER AND SANITARY SEWER.

Mr. Huja said these rates will be effective July 1, 2015.

RESOLUTION: 1725 JEFFERSON PARK AVE. APARTMENTS SPECIAL USE PERMIT

1725 Jefferson Park Ave. Apartments Special Use Permit

Mr. Matt Alfele presented to Council and reviewed staff and community work on the SUP to date. The Planning Commission voted 5-0 to recommend approval of the Special Use Permit.

Ms. Szakos said this developer has been amazingly responsive to the community and the Planning Commission.

Ms. Szakos moved the resolution; Ms. Galvin seconded.

Ms. Galvin said she is concerned that previously they have granted SUPs, and then the project has evolved in an unforeseen manner. She said she was concerned about the language in condition #4, "essentially the same". She asked to modify it to say "essentially *and substantially* the same". Also on the same condition, Ms. Galvin requested that it state, "subsequently be modified to *specifically* comply" to ensure this is in line with requirements of the Certificate of Appropriateness. Mr. Huja supported the modifications.

Mr. Fenwick asked for clarification on who in NDS is tasked with ensuring this does not vary from what we are seeing now.

Ms. Smith echoed Ms. Szakos' appreciation for the developers' responsiveness and said we need to make sure we always give neighborhoods this opportunity.

The resolution passed as modified. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None)

RESOLUTION APPROVING A SPECIAL USE PERMIT AS REQUESTED BY APPLICATION NO. SP-1500001 TO AUTHORIZE ADDITIONAL RESIDENTIAL DENSITY AND TO MODIFY CERTAIN YARD REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION AND ALTERATION OF A MULTIFAMILY RESIDENTIAL DWELLING LOCATED AT 1725 JEFFERSON PARK AVENUE

Ms. Galvin thanked Mr. Alfele for a clear, thorough report and said she appreciated his coordination of the community meetings.

ORDINANCE: ENHANCED PENALTIES FOR SPEEDING ON LOCUST AVENUE FROM HAZEL STREET TO THE 250 BYPASS (2nd reading)

Ms. Szakos said she would be content to remove the piece about reevaluating the fines. Ms. Galvin moved that we remove item 2 and revert to the original proposed ordinance. Ms. Smith seconded the motion. The motion passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

Mr. Huja called for a vote on the revised ordinance; the ordinance passed. (Ayes: Mr. Huja, Mr. Fenwick, Ms. Szakos, Ms. Smith, Ms. Galvin; Noes: None.)

AN ORDINANCE AMENDING AND REORDAINING SECTION 15-101 OF ARTICLE IV (SPEED LIMITS) OF CHAPTER 15 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED ADDING LOCUST AVENUE BETWEEN HAZEL STREET AND THE 250 BYPASS TO THE LIST OF STREETS WITH ENHANCED PENALTIES FOR SPEEDING.

OTHER BUSINESS

Ms. Smith asked about the new hours for Smith Pool as approved through the budget process. Councilors recently received requests from a few citizens requesting that the pool retain

the early opening time. Mr. Huja asked about the cost to revert to the earlier opening time. Mr. Jones said it would cost a little over \$3,000 to revert to opening the pool at 5:00 a.m. on Saturday mornings.

Ms. Galvin confirmed that this was a cost-saving measure that was proposed by Mr. Daly as a part of the budget cycle.

Mr. Fenwick said this is an unintended consequence for a dedicated group of regular pool users and supported reverting to the original opening time.

Ms. Galvin said this is not a sound budget tactic. The public comments should have been made during the budget process, not after Council and staff have made cuts and voted on the final budget.

Mr. Huja asked to hear back from staff on this matter.

Meeting adjourned.